

procedural prerequisites to the entry of this Agreed Final Judgment, as well as its enforceability under and its compliance with the Federal Rules of Civil Procedure, have been met.

b. The Parties stipulate that the entry of this Agreed Final Judgment does not constitute an admission or waiver of liability of any kind by any Party.

c. The Parties stipulate that this Agreed Final Judgment may be entered without Findings of Fact and Conclusions of Law and waive all rights to request such findings or conclusions.

d. During the Term of this Agreed Final Judgment, the Parties may apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this Agreed Final Judgment or any of its provisions, or for the enforcement of compliance therewith and the punishment of violations thereof.

2. Monetary Relief. Based upon the stipulations of the Parties and the findings set forth herein, the Court is of the opinion and finds that this Agreed Final Judgment should be rendered and entered. It is, therefore,

a. **ORDERED, ADJUDGED AND DECREED** that HDNet shall recover from Hambrecht and the Hambrecht Trust, jointly and severally, the sum of \$3,000,000, plus accrued interest at the Appropriate Rate beginning on April 1, 2011, as set forth below. It is further,

b. **ORDERED, ADJUDGED AND DECREED** that the “Appropriate Rate” means: fifteen percent (15%) annual interest. Meaning \$450,000 accrued from April 1, 2011 through March 31, 2012, plus amounts accrued daily from April 1, 2012 to the date of entry of judgment, in the amount of \$1,232.88 per day (daily amount = $(\$3,000,000 \times 0.15)/365$). Accordingly, as of June 6, 2012 the total amount owed by defendants is \$3,531,370.08 ($\$3,000,000 + \$450,000 +$

\$81,370.08). Post Judgment Interest shall also accrue daily in an amount corresponding with a rate of fifteen percent (15%) annual interest upon the principal amount due and owing on April 1st of the previous year. The daily interest amount shall be calculated by multiplying the principal balance due on the previous April 1st by 0.15, and dividing that amount by 365 days.

c. **ORDERED, ADJUDGED AND DECREED** that, in the event of an appeal of this Agreed Judgment by Hambrecht or the Hambrecht Trust to the United States Court of Appeals for the Fifth Circuit, if the appeal is unsuccessful, HDNet shall be further entitled to recover from Hambrecht and the Hambrecht Trust, jointly and severally, an additional \$40,000.00 as a reasonable and necessary attorneys' fee; in the event that a petition for review by the United States Supreme Court is filed by Hambrecht or the Hambrecht Trust and HDNet is required to respond to the petition and the petition is not granted, HDNet shall be further entitled to recover from Hambrecht and the Hambrecht Trust, jointly and severally, an additional \$20,000.00 as a reasonable and necessary attorneys' fee; and, in the event that the United States Supreme Court grants the petition by Hambrecht or the Hambrecht Trust, but the appeal to the United States Supreme Court is unsuccessful, HDNet shall be further entitled to recover from Hambrecht and the Hambrecht Trust, jointly and severally, an additional \$50,000.00 as a reasonable and necessary attorneys' fee.

d. **ORDERED, ADJUDGED AND DECREED** that the total amount of the Agreed Final Judgment herein rendered will bear interest at the Appropriate Rate ("post-judgment interest") until the Agreed Final Judgment is paid in full. However, post-judgment interest will not commence to run for the fees awarded for any appeal to the court of appeals until the date such appeal is filed. Post-judgment interest for the award of fees for responding to any petition for review will not commence to run until the date the petition is filed. Post-judgment interest for fees awarded for any


appeal to the Supreme Court will not commence to run until the date the Supreme Court grants the petition for review in this case.

3. Miscellaneous.

a. All writs and processes for the enforcement and collection of this judgment or the costs of court may issue as necessary.

b. All relief requested in this case and not expressly granted is denied. This judgment finally disposes of all parties and claims and is appealable.

SO ORDERED on this **5th day** of **October, 2012**.



Reed O'Connor
UNITED STATES DISTRICT JUDGE